

ATTORNEY DOCKET NO. 14014.0025US
Application No. 07/110,791

Remarks

Claims 60 and 61 are pending. Claims 1-43, 45, and 48-59 have been canceled. Judgment was entered against claims 44, 46, 47, and 62 in Interference No. 104,519 and thus stand finally disposed (see page 2 of Judgment Pursuant To 37 C.F.R. § 1.662, attached as Exhibit 1). Accordingly, claims 44, 46, 47, and 62 are listed as canceled in the Listing of Claims. Claims 68 and 69 are newly added. Applicants note that new claims 63-67 were presented during the interference but the motions requesting their addition were denied. Accordingly, claims 63-67 are listed as not entered and the new claims presented in this Amendment are numbered beginning with claim number 68.

Claims 60 and 61 were indicated to be patentable in the Interference Initial Memorandum (attached as Exhibit 2) and remain pending and patentable following termination of the interference (see Order Redeclaring Interference, attached as Exhibit 3, and page 2 of Exhibit 1). Applicants request issuance of a notice of allowance for claims 60 and 61.

New claim 68 is based on pending and patentable claim 61. New claim 68 also requires detection by hybridizing nucleic acid with a nucleic acid probe of the MAC117 gene. Support for this can be found in the application at least on page 5, lines 3-6; and on page 26, lines 23-25. New claim 69 is drawn to a method of detecting a MAC117 gene, the method comprising hybridizing nucleic acid with a nucleic acid probe of the MAC117 gene. Support for this can be found in the application at least on page 5, lines 3-6; and on page 26, lines 23-25.

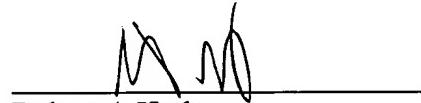
Favorable consideration of claims 60, 61, 68 and 69 is earnestly solicited.

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It is believed that no fee is due with this submission. However, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

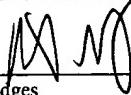


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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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Robert A. Hodges

Date

5/1/2006